

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

LORRAINE MOLAND**Plaintiff,****v.**

WAL-MART STORES, INC.
Serve: Registered Agent
CT CORPORATION SYSTEM
120 S. Central Ave
Clayton, Missouri 63105

and,

WAL-MART STORES EAST I, LP,
d/b/a WALMART #1120
Serve: Registered Agent
CT CORPORATION SYSTEM
120 S. Central Ave
Clayton, Missouri 63105

Defendants.

Case No.
Division:

PETITION

COMES NOW Plaintiff, Lorraine Moland, by and through her attorney, The Eslinger Law Firm, LLC, and for her cause of action against the Defendants state as follows:

1. Plaintiff, Lorraine Moland, is a resident of Clay County, Missouri.
2. Defendant Wal-Mart Stores, Inc. is a corporation, organized and existing by virtue of the laws of the State of Delaware, and registered and authorized to do business in the State of Missouri.
3. Defendant Wal-Mart Stores East I, LP is a limited partnership, organized and existing by virtue of the State of Delaware, and registered and authorized to do business in the

State of Missouri, and at all times relevant was doing business as Walmart #1120, a fictitious name registered in the State of Missouri to Defendant Wal-Mart Stores East I, LP.

4. Defendants own and operate a Wal-Mart store located at 7207 N. M1 Highway in Gladstone, Clay County, Missouri.

5. Venue is proper pursuant to § 508.010 RSMo. as the cause of action accrued in Clay County, Missouri as that is where Plaintiff was first injured.

6. On or about January 9, 2018, in the store of Defendants' business in Gladstone, Missouri, Plaintiff slipped and fell in the aisle of the shopping center, causing Plaintiff to be severely injured.

7. Defendants have a duty to maintain their premises in a safe and reasonable manner for their business invitees, including Plaintiff.

8. Defendants breached their duty, and were otherwise negligent in the following respects:

- a. Defendants knew, or by using ordinary care, should have known of said dangerous condition;
- b. Defendants negligently and carelessly allowed and permitted the aforesaid dangerous and not reasonably safe condition to exist;
- c. Defendants negligently and carelessly failed to inspect the business premises in order to determine the existence of the aforesaid dangerous and not reasonably safe condition;
- d. Defendants negligently failed to warn the public, particularly the Plaintiff, of the aforesaid dangerous and not reasonably safe condition, or to

barricade to otherwise prevent the public, including the Plaintiff, from coming in contact therewith;

- e. That the aforesaid condition existed a sufficient length of time prior to the occurrence alleged herein for the Defendants, in the exercise of ordinary care, to have discovered same and removed or remedied same, and Defendants negligently failed to do so.

9. As a direct and proximate result of the acts, omissions and negligence of Defendants, Plaintiff sustained severe, painful and disabling injuries, including, but not limited to a concussion, head injury, shoulder injury with tear of her right shoulder rotator cuff, requiring surgery, therapy and medical treatment.

10. As a direct and proximate result of the acts, omissions and negligence of Defendants, Plaintiff has incurred medical bills in the past and will incur additional medical expenses in the future, all to Plaintiff's damage.

11. Plaintiff's damages exceed \$100,000.00.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendants in an amount that is fair and reasonable under the circumstances, for her costs, and for such other and further relief as the Court may deem proper or necessary.

REQUEST FOR JURY TRIAL

Plaintiff requests a trial by jury on all issues presented herein.

Respectfully submitted,

ESLINGER LAW FIRM, LLC

/s/ Jason M. Eslinger

By: _____

Jason M. Eslinger MO#66705
2517 Jefferson Street
Kansas City, Missouri 64108
(816) 259-5226 Telephone
(816) 817-1441 Facsimile
jason@eslingerlawfirm.com
ATTORNEYS FOR PLAINTIFF

IN THE CIRCUIT COURT OF CLAY COUNTY, MISSOURI

LORRAINE MOLAND**Plaintiff,****v.****WAL-MART STORES, INC.
Serve: Registered Agent
CT CORPORATION SYSTEM
120 S. Central Ave
Clayton, Missouri 63105****and,****WAL-MART STORES EAST I, LP,
d/b/a WALMART #1120
Serve: Registered Agent
CT CORPORATION SYSTEM
120 S. Central Ave
Clayton, Missouri 63105****Defendant.****Case No.
Division:****Service Instruction for Service of Process**

Please issue a summons for service to The Eslinger Law Firm, LLC, for service upon Defendants by St. Louis County, Missouri Sherriff's department. Defendant's address has been confirmed as within the service parameters of St. Louis County Missouri Sherriff.

Respectfully submitted,

ESLINGER LAW FIRM, LLC

/s/ Jason M. Eslinger

By: _____

Jason M. Eslinger MO#66705

2517 Jefferson Street

Kansas City, Missouri 64108

(816) 259-5226 Telephone

(816) 817-1441 Facsimile

jason@eslingerlawfirm.com

ATTORNEYS FOR PLAINTIFF




IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

| | |
|--|---|
| Judge or Division: DAVID PAUL CHAMBERLAIN | Case Number: 19CY-CV05962 |
| Plaintiff/Petitioner: LORRAINE MOLAND | Plaintiff's/Petitioner's Attorney/Address JASON MARTIN ESLINGER 2517 JEFFERSON ST, STE 308 KANSAS CITY, MO 64108 |
| Defendant/Respondent: WAL-MART STORES INC | Court Address: 11 S WATER LIBERTY, MO 64068 |
| Nature of Suit: CC Pers Injury-Other | |

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: WAL-MART STORES INC
Alias:
 RA CT CORP SYSTEMS
 120 S CENTRAL AVENUE
 CLAYTON, MO 63105

COURT SEAL OF

 CLAY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

6/13/2019
 Date

Paul Thompson
 Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____.

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

 Printed Name of Sheriff or Server

 Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).

My commission expires: _____
 Date Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ 10.00

Supplemental Surcharge \$ _____ (_____ miles @ \$._____ per mile)

Mileage \$ _____

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.




IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

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| Judge or Division: DAVID PAUL CHAMBERLAIN | Case Number: 19CY-CV05962 |
| Plaintiff/Petitioner: LORRAINE MOLAND | Plaintiff's/Petitioner's Attorney/Address JASON MARTIN ESLINGER 2517 JEFFERSON ST, STE 308 KANSAS CITY, MO 64108 |
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Alias:
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CLAYTON, MO 63105

COURT SEAL OF

CLAY COUNTY

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6/13/2019
Date

Clerk

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☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ 10.00

Supplemental Surcharge \$ _____

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

SB 7/13

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| Judge or Division: DAVID PAUL CHAMBERLAIN | Case Number: 19CY-CV05962 |
| Plaintiff/Petitioner: LORRAINE MOLAND | Plaintiff's/Petitioner's Attorney/Address JASON MARTIN ESLINGER 2517 JEFFERSON ST, STE 308 KANSAS CITY, MO 64108 66705 |
| Defendant/Respondent: WAL-MART STORES INC | Court Address: 11 S WATER LIBERTY, MO 64068 |
| Nature of Suit: CC Pers Injury-Other | (Date File Stamp) |

Summons in Civil Case

The State of Missouri to: WAL-MART STORES INC
Alias:
RA CT CORP SYSTEMS
120 S CENTRAL AVENUE
CLAYTON, MO 63105

COURT SEAL OF

CLAY COUNTY

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6/13/2019
Date

Chf. Sharpson
Clerk

Further Information:

Sheriff's or Server's Return

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I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of _____ years.
☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☒ other _____ (name) _____ (address) _____ (time).
 Served at _____ (County/City of St. Louis), MO, on JUN 20 2019 (date) at _____ (time).
 in _____

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary \$ 10.00
 Supplemental Surcharge \$ _____ (_____ miles @ \$._____ per mile)
 Mileage \$ _____
Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

19-SMCC-5323

6/18/19

St Louis County
CT CORP
INTAKE SPECIALIST
LCW - B LOVE
JUN 20 2019
MAY 19 2019



IN THE 7TH JUDICIAL CIRCUIT COURT, CLAY COUNTY, MISSOURI

SB 7/13

| | |
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| Judge or Division: DAVID PAUL CHAMBERLAIN | Case Number: 19CY-CV05962 |
| Plaintiff/Petitioner: LORRAINE MOLAND | Plaintiff's/Petitioner's Attorney/Address JASON MARTIN ESLINGER 2517 JEFFERSON ST, STE 308 KANSAS CITY, MO 64108 <i>46705</i> |
| Defendant/Respondent: WAL-MART STORES INC | Court Address: 11 S WATER LIBERTY, MO 64068 |
| Nature of Suit: CC Pers Injury-Other | (Date File Stamp) |

Summons in Civil Case

The State of Missouri to: WAL-MART STORES EAST INC
Alias:
RA CT CORPORATION SYSTEM
120 S CENTRAL AVE
CLAYTON, MO 63105 *309 core*

COURT SEAL OF

CLAY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

6/13/2019
Date

Chf. Sharpson
Clerk

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I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 18 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to CT CORP (name) LCW - B. LOVE (title).

☒ other CT CORP (name) LCW - B. LOVE (title).

Served at St. Louis County (County/City of St. Louis), MO, on JUN 20 2019 (date) at 9 AM (time).

Printed Name of Sheriff or Server Musey Signature of Sheriff or Server [Signature]

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public [Signature]

Sheriff's Fees

| | |
|-------------------------|---|
| Summons | \$ _____ |
| Non Est | \$ _____ |
| Sheriff's Deputy Salary | \$ _____ |
| Supplemental Surcharge | \$ 10.00 |
| Mileage | \$ _____ (_____ miles @ \$ _____ per mile) |
| Total | \$ _____ |

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

19-SMCC-5324

6/18/19

INTAKE SPECIALIST

JUN 5 9 30 19

2105 81 Mbe